

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

FILED
Terry Deinlein, Acting Clerk
Cincinnati, Ohio

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MATT LEHRFELD
PETITIONER

- VS -

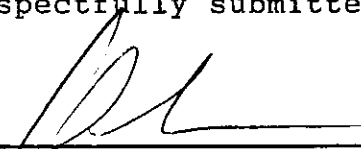
JEFFREY WOLFE , WARDEN ,
RESPONDENT

* CASE NO. C-1-01-432
* JUDGE DLOTT
* MAGISTRATE JUDGE SHERMAN
*

PETITIONER'S REQUEST TO EXCEED
PAGE LIMITATIONS

Now comes the Petitioner , Matt Lehrfeld pursuant to Fed. Civ. R. 7 (a) asks this Honorable Court to exceed the page limitations pursuant to Local Civil Rules 7.2 in the above-captioned case . Petitioner is including with this Request a Table of Contents pursuant to Local Civil Rule 7.2 (a)(3) , which is attached hereto .

Respectfully submitted ,


MATT LEHRFELD (382-633)
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CALDWELL , OHIO 43724
IN PROPRIA PERSONA

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III. SUMMARY OF CLAIMS**A. Petitioner is Actually Innocent**

Petitioner called the police for help after being severely beaten by several individuals . They arrested him without asking if he called 911 . Petitioner was arrested anyway and charged with Aggravated Burglary . (Pg. 1)

B. PROCEDURAL DEFAULT

The district court is erroneously defaulting Petitioner's claims even though there is precedent in the Sixth Circuit that applies to the facts of this case . Petitioner deposited an Application for Reopening of Appeal pursuant to App. R. 26 (B) timely but because it arrived one day late in the Ohio Supreme Court . (Pg. 2)

C. CLARIFICATION OF FACTS

Petitioner was at an Alcoholics Anonymous meeting and shared that he was so angry at the judge while he was in the County Jail that he felt like killing him. Petitioner then stated that now that he is in treatment he didn't feel that way. The courts are taking this issue and making erroneous statements to prejudice the Petitioner. (Pg. 4)

D. THE COURTS ARE FABRICATING WITNESS TESTIMONY THAT IS NOT IN THE RECORD TO UPHOLD PETITIONERS CONVICTION

The Ohio Court's, and Magistrate Sherman are fabricating testimony that is not in the record to uphold Petitioner's conviction. (Pg. 5)

E. POLICE PERJURY

The police arrived after the fact in this case and blatantly perjured themselves numerous times on the witness stand, lying to support the conviction of Petitioner who should have been the victim since he called 911 and no one else did. (Pg. 11)

F. PRIVILEGE

The trial court knows that the Petitioner could have been killed if he didn't call 911. The Petitioner had to call 911 to save his life, and therefore he had privilege out of necessity even though his privilege was never revoked to be in the apartment. (Pg. 13)

G. SENTENCING

The Magistrate's findings are erroneous as to this claim in light of a new Ohio Supreme Court case. (Pg. 13)

H. UNSUPPORTED SENTENCING FINDINGS BY THE OHIO COURTS

The Ohio Courts and Magistrate Sherman are using unchecked facts that were never evidence and were also untrue, to sustain the sentence Petitioner received after being originally sentence to community control. (Pg. 15)

I. ALCOHOLICS ANONYMOUS

Petitioner's statements at an A.A. meeting were disclosed by staff members to the judge and to his probation officer. This is a violation of his rights. (Pg. 18)

J. IT WAS REALLY AN INTERESTING STORY, I STILL DON'T KNOW WHAT HAPPENED IN THERE

This issue has never been reviewed by any court. This is what the trial judge, who was Petitioner's jury at a bench trial, said to Petitioner after convicting him of burglary. (Pg. 18)

K. UNSUPPORTED STATE FACT FINDINGS

The alleged victim, who should have been the defendant, if the police bothered to investigate a scene and not just take the first party to reach them as a victim, beat Petitioner with several other people, so bad he had to go to the emergency room as EMT's said they couldn't treat his wounds on the scene, that he almost died. (Pg. 21)

**L. PETITIONER IS INNOCENT AND THE CRIME
HE IS IN PRISON FOR NEVER HAPPENED**

Petitioner should have been the victim, not the defendant, and if this court meaningfully reviews his claims, it will see he is innocent and is wrongfully imprisoned.

CERTIFICATE OF SERVICE

I, Matthew Lehrfeld, hereby certify that a correct copy of the foregoing was served upon Respondent via via the Attorney General at the following address:

Jim Petro
Attorney General
Trial Counsel for Respondent
Corrections Litigation Section
150 E. Gay St.
Columbus, Ohio 43215

by regular U.S. Mail this 31 day of October, 2003

Respectfully Submitted,

Matthew Lehrfeld